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October 26, 2018

By ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
40 Foley Square, Room 430
New York, New York 10007

Re: *In re Terrorist Attacks on September 11, 2001*
03 MDL 1570 (GBD) (SN)

This document relates to:

Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al., Case No. 02 Civ. 6977
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03 Civ.
9849

Federal Insurance Co., et al. v. Al Qaida, et al., No. 03 Civ. 6978
Continental Casualty Co., et al. v. Al Qaeda, et al., No. 04 Civ. 5970
Euro Brokers Inc., et al., v. Al Baraka, et al., No. 04 Civ. 7279
Estate of John P. O'Neill et. al., v. Al Baraka et. al., No. 04 Civ. 1923

Dear Judge Netburn:

We represent Yassin Abdullah Kadi in the above actions. We are writing to report the status of our efforts on Mr. Kadi's behalf to comply with Your Honor's August 27, 2018 Order (ECF 4123) ("the Order"). Contemporaneously with this letter we are filing six declarations, and we hope that this letter, in summarizing the filings, will be of some assistance to the Court.

In brief summary: Our efforts to comply with the Order are complete. As you may recall, the Order directed Mr. Kadi to search for two "Rowad documents" and eleven "KSA

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documents.” We have conducted thorough searches and have not located the two Rowad documents, but we have located nine of the KSA documents, principally through the good offices of KSA’s counsel in this action.

The Order also directed the parties to meet and confer regarding Plaintiffs’ complaints about Mr. Kadi’s privilege log. This process has been inconclusive.

We will discuss each of the above topics in more detail below.

With respect to the searches for the 13 documents, we have today filed the following declarations:

Yassin Kadi (ECF No. 4226) (“Yassin Kadi Dec.”)
Muaz Kadi (ECF No. 4227) (“Muaz Kadi Dec.”)
Guy Frederick Noel Martin (ECF No. 4228) (“Martin Dec.”)
Essam Al Khatib (ECF No. 4229) (“Khatib Dec.”)
Yousef Abu Ali (ECF No. 4232) (“Ali Dec.”)
Siraj El Din Abdul Bari (ECF No. 4233) (“Bari Dec.”)

With respect to the two Rowad documents: Rowad was a company in Sudan. Mr. Kadi’s files were searched again for the two documents.(Ali, Yassin Kadi, Muaz Kadi, Khatib, Martin Decs.). In addition Guy Martin, Mr. Kadi’s London counsel, contacted Siraj El Din Abdul Bari, former head of the Muwafaq Foundation office in Sudan, who attempted unsuccessfully to locate documents in Sudan, and persons in Sudan who might possess the documents. (Bari, Martin Decs.; see also Ali Dec. ¶¶ 3-5, describing efforts to contact Yassin Ali (no relation)).

With respect to the KSA documents, Mr. Kadi’s files were searched again for the documents (Ali, Yassin Kadi Decs.), and renewed efforts were made to contact Dr. Saad al-Beraik, the Saudi lawyer who handled the KSA investigation on Mr. Kadi’s behalf. (See Muaz Kadi, Khatib, Martin Decs.). These efforts resulted in the discovery of one document, the statement of claim filed on Mr. Kadi’s behalf against the Kingdom. It will be produced.

In addition, as directed by the Court, we contacted KSA counsel in this action to seek their assistance in obtaining the KSA documents from their client, which was brought back into this case subsequent to the briefing of Plaintiffs’ Motion to Compel against Mr. Kadi. These efforts resulted in the retrieval of nine of the eleven documents that were the subject of the Order.¹ We are in the process of having these documents uploaded to our document production vendor for production.

¹ A few of the documents vary in small details, such as date, from the descriptions in the Order, but they are the responsive documents that KSA has furnished us. One of the documents is the statement of claim that was also located by Dr. Al-Beraik’s office.

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With respect to privilege log disputes, Plaintiffs' counsel sent us an email on October 3, 2018 listing a number of documents in the privilege log that counsel claimed were not privileged or protected by the work product protection. On October 16 we responded, pointing out to counsel that each of these documents was related to the Muwafaq Foundation's trustees' lawsuit against a publication called *Africa Confidential*, and were either attorney-client communications, work product, or both. We have heard nothing further from counsel.

Respectfully,

s/

Peter C. Salerno

cc: All MDL Counsel of Record (via ECF)